

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|------------------------------|---|-------------------------------------|
| DAVID FLUELLEN, |) | |
| |) | CASE NO. 1:19CV0378 |
| Plaintiff, |) | |
| |) | |
| v. |) | JUDGE BENITA Y. PEARSON |
| |) | |
| ANDREW M. SAUL, ¹ |) | |
| COMMISSIONER OF |) | |
| SOCIAL SECURITY |) | |
| |) | <u>MEMORANDUM OF OPINION</u> |
| Defendant. |) | <u>AND ORDER</u> |

An Administrative Law Judge (“ALJ”) denied Plaintiff David Fluellen’s applications for disability insurance benefits (“DIB”) and supplemental security income (“SSI”) after a new hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision, dated November 8, 2018 ([ECF No. 10 at PageID #: 73-91](#)). The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge Kathleen B. Burke for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On December 31, 2019, the magistrate judge submitted a Report

¹ Nancy A. Berryhill was the original Defendant. She was sued in an official capacity as a public officer. On June 17, 2019, Andrew M. Saul became the Commissioner of Social Security. Pursuant to [Fed. R. Civ. P. 25\(d\)](#), Saul’s name has been automatically substituted as a party.

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and Recommendation ([ECF No. 15](#)) recommending that the Court affirm the Commissioner's decision.

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the magistrate judge's Report were, therefore, due on January 14, 2020. Neither party has filed objections, evidencing satisfaction with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn, 728 F.2d 813 \(6th Cir. 1984\), aff'd, 474 U.S. 140 \(1985\); Howard v. Secretary of Health and Human Services, 932 F.2d 505 \(6th Cir. 1991\); United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\).](#)

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The decision of the Commissioner of Social Security is affirmed. Judgment will be entered in favor of Defendant.

IT IS SO ORDERED.

January 16, 2020
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge